

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIGI JORDAN,

Petitioner,

-v-

AMY LAMANNA, Superintendent of Bedford Hills
Correctional Facility,

Respondent.

CIVIL ACTION NO.: 18 Civ. 10868 (SLC)

ORDER FOR SUPPLEMENTAL BRIEFING

SARAH L. CAVE, United States Magistrate Judge.

Petitioner Gigi Jordan, who is serving an 18-year prison sentence following her conviction for first degree manslaughter in New York State Supreme Court, brings a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (the “Petition”) asserting that her Sixth Amendment right to a public trial was violated when the trial court closed the courtroom midway through her nine-week trial. (ECF Nos. 1 at 6; 3 at 2–3; 6 at 5). In her Petition, Jordan asks for her release, a retrial, or, in the alternative, resentencing. (ECF No. 3 at 18). Respondent Amy Lamanna, Superintendent of the Bedford Hills Correctional Facility, where Jordan is serving her sentence, is represented by the New York County District Attorney (the “DA”), and opposes the Petition on the ground that the temporary closure of the courtroom for a conference that was “akin to a discussion in chambers” did not violate clearly established precedent of the United States Supreme Court. (ECF No. 13 at 9). The Court heard oral argument on the Petition today.

As discussed at the conclusion of oral argument, the Court now directs that the parties provide additional briefing on the following question:

If the Court were to grant the Petition under the scope of review permitted by 28 U.S.C. § 2254(d), on what authority may the Court grant the Petitioner the alternative relief of resentencing in New York State Supreme Court?

Jordan shall submit her supplemental brief by **June 15, 2020**; the DA shall submit a response brief by **June 29, 2020**; and Jordan shall file any reply brief by **July 13, 2020**. Each brief shall be no longer than ten (10) pages.

In addition, Jordan shall attach as an exhibit to her supplemental brief a supplement to the Appendix comprised of the portion of the trial transcript in which the trial court delivered the charge to the jury.

Dated: New York, New York
June 1, 2020

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge